

2. By this application, the applicant is seeking to raise the following substantial question of law :-

"Whether the product the 'Lancing Pipe' used for passing the oxygen gas into the molten metal for rapid melting of scrap into liquid steel can be considered as an "input" eligible for modvat credit in terms of Rule 57A of Central Excise Rules, 1944 ?"

3. We have perused the order passed by the Tribunal. The Tribunal has relied upon the Order passed by the Larger Bench of CEGAT, Northern Bench, New Delhi, in **Collector of Central Excise, Raipur V/s. Hira Ferro Alloys Ltd., 2000 (118) E.L.T. 94 (Tribunal - LB)** wherein it is construed that as a Lancing pipe gets wholly consumed in the process and as such, the same is entitled to Modvat Credit as it would amount to an "input". The Tribunal has observed as under in the above judgment :-

"Lancing pipes are used for discharge of oxygen into the furnace to cut open the tap holes

provided in the furnace to draw out metals from furnace. Lancing pipe while cutting open the holes comes into contact with the molten steel in the furnace. On account of the high temperature in the furnace, these pipes melt and join the steel. While so the lancing pipe gets wholly consumed in the process. The pipe so consumed form part of the molten metal which is being taken out of the furnace. Since this pipe gets so consumed in the process, it is entitled to Modvat Credit."

4. The Tribunal has also referred to another Larger Bench Judgment in **Union Carbide India Ltd. v. C.C.E., Calcutta-I reported in 1996 (86) E.L.T. 613 (T)**, wherein also same view has been taken.

5. Learned Counsel for the respondent submits that this petition is concerned with the very same product viz. Lancing Pipe and the department has not challenged the above orders. The learned Counsel also brought to our notice that the same view has been taken by CEGAT

Mumbai, in an order dated 23rd March, 1998 in **M/s.Mukand Limited V/s. Commissioner of Central Excise, Mumbai-III**, which order has also not been challenged by the department.

6. We fully concur with the view and interpretation of Larger Bench of CEGAT in **Collector of Central Excise, Raipur V/s. Hira Ferro Alloys Ltd., 2000 (118) E.L.T. 94 (Tribunal - LB)**.

7. Under the aforesaid facts and circumstances, we do not find any substantial question of law in the above application. Application is dismissed.

(S. RADHAKRISHNAN, J.)

(A.S. AGUIAR, J.)